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THOMAS S. MARTIN

April 17, 1986

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Daniel B. Silver, Esquire  
Cleary, Gottlieb, Steen & Hamilton  
1752 N Street, N.W.  
Washington, D.C. 20036

Dear Dan:

Enclosed for your review is a recension of the draft statute designed to address the problem of publication of highly sensitive national security information, revised in accordance with our discussions on March 14. We have included a rather extensive analysis of the possible constitutional problems with the improper classification defense, because our research indicates that those problems are not insubstantial. I hope that this analysis will provide us with the tools to discuss this issue further.

I also enclose a set of materials which [redacted] has prepared concerning application of the death penalty to the espionage laws. I look forward to discussing these matters at the next meeting of the Working Group on Thursday, April 24, at 10:00 a.m. at the offices of Jenner & Block.

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Sincerely,

*Tom Martin /csv*

Thomas S. Martin

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TSM:dld

cc: Members of the Working Group on  
Intelligence Requirements and  
Criminal Code Reform of the ABA  
Standing Committee on Law and  
National Security

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